REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed March 13, 2006. Claims 1-40 remain pending. Reconsideration and reexamination are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1-40 are rejected as being anticipated by Smith et al. (U.S. 6,192,282). The Examiner asserts that Smith et al. disclose a method of accessing a schedule on a controller (column 12, lines 23-40) coupled to a user interface, substantially as claimed. The Examiner has interpreted exiting modes as being implicitly taught by Smith, for example, turning off the controller would be "exiting the schedule review mode." Applicants respectfully traverse the rejection.

Independent claim 1 is a method claim and recites:

1. (Original)   A method of accessing a schedule on a controller coupled to a user interface, comprising the steps of:
initiating a schedule review mode within the controller, said schedule review mode permitting read-only access to at least one schedule parameter in the schedule;
displaying one or more schedule parameters for at least one period on the user interface; and
exiting the schedule review mode.

Applicants have carefully reviewed the Smith et al. reference, and have found no such teaching.

In the Response to Arguments section of the Office Action, the Examiner cites to column 15, lines 21-27, column 39, lines 20-27, and column 40, lines 58-67 of Smith et al. as teaching the initiating step of claim 1. The cited passages of Smith et al. state:

This feature allows the homeowner to select user interfaces that are appropriate for every situation. For example, expensive workstations and touchpanels are often used in high-use areas where a great deal of control and status feedback is desired. The kitchen, master suite and media/theater rooms are popular locations

for touchpanels. The home office or study is perfect for a workstation interface. (column 15, lines 21-27)

FIG. 38 is a tabular presentation of the parameters associated with the "update status" command which provides temperature status, humidity status, and mode of operation status.
FIG. 39 is a tabular presentation of the parameters associated with the "update" status for the set point of the environmental subassembly. (column 39, lines 20-27)

FIG. 66 is a tabular presentation of the parameters associated with the "update status" command which provides an indication of the current state of the security system.
FIG. 67 is a tabular presentation of the parameters associated with the "update status" command which elicits information pertaining to the state of particular zones of the security system.
FIG. 68 is a tabular presentation of the parameters associated with the "update status" command which provides the text status of the security system. (column 40, lines 58-67)

As can be seen, these portions of Smith et al. clearly do not teach or suggest the method step of: initiating a schedule review mode within the controller, the review mode permitting read-only access to at least one schedule parameter in the schedule.

The first passage of Smith et al. (column 15, lines 21-27) appears to disclose a feature of the system that allows a homeowner to select user interfaces that are appropriate for various rooms in the house, based on the desired level of control and status feedback. This teaching of Smith et al. appears to relate, if at all, only to the preamble of claim 1, in that it teaches a feature allowing a homeowner to access the control system. This passage of Smith et al. does not appear to relate in any way to the specific method steps recited in claim 1.

The second and third passages of Smith et al. (column 39, lines 20-27 and column 40, lines 58-67) appear to describe parameters associated with the "update status" command that provides information regarding the status of the temperature, humidity, mode of operation, set point, current state of the security system, state of particular zones of the security system, and text status of the security system. These passages of Smith et al. do not appear to relate in any

way to the specific method steps recited in claim 1. Notably, none of the listed "status" parameters appear to relate to a <u>schedule</u> parameter in a <u>schedule</u>, as recited in claim 1.

The Examiner asserts, also in the Response to Arguments section of the Office Action, that the "status" information of Smith et al. has been interpreted as read-only data that relates to scheduled parameters such as scheduled temperature set point parameters. Applicants do not understand the basis of this interpretation, and request further explanation from the Examiner. As indicated above, none of the listed "status" parameters appear to relate to a <u>schedule</u> parameter in a <u>schedule</u>, as recited in claim 1. Instead, they appear to relate to the current status of the controller. In addition, the only discussion in Smith et al. of anything "read-only" appears to be related to the read-only <u>variables</u> used in parsing an input event or creating an outgoing response. See column 26, lines 1-19 and 44-63, and column 27, lines 12-39. Applicants submit that the read-only <u>variables</u> taught by Smith et al. cannot be deemed to anticipate a <u>method step</u> of initiating a schedule review mode within a controller, wherein said schedule review mode permits read-only access to at least one schedule parameter in the schedule, as is recited in claim 1.

Also in the Response to Arguments section of the Office Action, the Examiner asserts that Smith et al. inherently teaches a review mode by allowing for the ability to review schedule parameters. The Examiner also states "inherently disclosed [in Smith] is initiating and exiting the review mode". However, the Examiner has not indicated where in Smith et al. the ability to review/edit schedule parameters is taught. Further, the method of claim 1 recites not only initiating a schedule review mode within the controller, but also that said schedule review mode permits <u>read-only access</u> to at least one <u>schedule</u> parameter in the <u>schedule</u>, displaying one or more schedule parameters for at least one period on the user interface, and exiting the schedule review mode.

With respect to inherency, MPEP § 2112(IV) states:

> The fact that a certain result or characteristic <u>may</u> occur or be present in the prior art <u>is not sufficient to establish the inherency of that result or characteristic.</u> *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed.

Cir. 1993) (reversed rejection because inherency was based on what would result
due to optimization of conditions, not what was necessarily present in the prior
art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To
establish inherency, the extrinsic evidence 'must make clear that the missing
descriptive matter is <u>necessarily</u> present in the thing described in the reference,
and that it would be so recognized by persons of ordinary skill. <u>Inherency,</u>
<u>however, may not be established by probabilities or possibilities. The mere fact</u>
<u>that a certain thing may result from a given set of circumstances is not sufficient.</u>'
" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)

(Emphasis Added). Applicant does not believe it can readily be argued that Smith <u>necessarily</u>

performs the steps of: initiating a schedule review mode within the controller, said schedule

review mode permitting read-only access to at least one schedule parameter in the schedule;

displaying one or more schedule parameters for at least one period on the user interface; and

exiting the schedule review mode, as the Examiner appears to be suggesting.

After reviewing the Examiner's rejections, it appears the Examiner is attempting to find

words in Smith et al. that relate to each step recited in claim 1, regardless of whether there is any

relationship between the passages in Smith et al., and then conclude that Smith discloses the

recited combination of method steps. This is clearly improper. As noted in MPEP § 2131, in

order to anticipate:

> The <u>identical invention must be shown in as complete detail as is</u>
> <u>contained in the ... claim</u>." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236,
> 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as
> required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of
> terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.
> Cir. 1990).

(Emphasis added). Applicants submit that Smith et al. do not appear to teach the specific method

steps recited in claim 1 in as complete detail as recited in the claim. Notably, Smith et al. appear

to be primarily directed at a building automation system that is modular in design, thus

minimizing the amount of instruction necessary to affect control of a particular building system

(see, Smith et al., Abstract). A problem that appears to be addressed by Smith et al. is that a

variety of competing and commercially available technologies have emerged for the basic

building subsystems which are susceptible to automation and control through the execution of computer programs. While this competition is generally positive, insofar as it reduces the overall costs to consumers, and provides enhanced functionality with each new generation of technology, the downside associated with the existence of numerous competitive systems is that several different technological control and communication protocols have been independently developed, rendering the automation systems incompatible (see, Smith et al., column 1, lines 22-50).

Smith et al. appear to address this and other problems by, for example, providing a relatively small set of interprocess control commands that define an interprocess control protocol which is utilized in relatively high level scripts and control applications. The improved building automation system operates to translate control instructions in one particular control protocol to control instructions in a second control protocol. A text parsing program routes interprocess communication commands between modular communication programs to affect control over the automated building systems. The text parsing program includes executable instructions which allow for conditional communication of interprocess control commands depending upon system events (see, Smith et al., Abstract).

Smith et al. do not appear to disclose, in any detail, methods of accessing a schedule on a controller. More specifically, Smith et al. do not appear to disclose or suggest a method of accessing a schedule on a controller coupled to a user interface, comprising the steps of: initiating a schedule review mode within the controller, said schedule review mode permitting read-only access to at least one schedule parameter in the schedule; displaying one or more schedule parameters for at least one period on the user interface; and exiting the schedule review mode, as is recited in the instant claim 1.

In view of the foregoing, independent claim 1 is believed to be clearly patentable over Smith et al. If the Examiner elects to maintain this rejection, Applicants respectfully request that the Examiner specifically point out where in Smith et al. each and every method step of claim 1

is identically disclosed, with the elements arranged as required by the claim, pursuant to MPEP § 2131.

Regarding claims 2-5, 13-16, and 26-29, and in the Response to Arguments section of the Office Action, the Examiner asserts that Smith et al. disclose a method in which the step of initiating the schedule review mode occurs prior to the step of initiating the editing mode. Applicants have found no such teaching in Smith et al. The Examiner asserts that Smith et al. allows for user monitoring and user schedule editing, citing column 9, lines 37-59 and column 12, lines 23-36 for support. Neither of the cited passages of Smith et al. appear to teach user monitoring or user schedule editing. The Examiner then asserts that Smith et al. teaches _first_ reviewing a schedule parameter (citing column 39, lines 20-27) and _then_ modifying a schedule parameter (citing column 40, lines 19-38). As discussed above, column 39, lines 20-27 of Smith et al. describes FIGS. 38 and 39, which show tabular presentations of parameters associated with update status commands. Column 40, lines 19-38 of Smith et al. describes FIG. 60, which appears to be a tabular presentation of the parameters associated with a change request command. None of these status parameters appear to relate in any way to schedule parameters of a schedule. Instead, they appear to relate to the _current_ status of the controller. Applicants submit that neither passage teaches the specific _method steps_ recited in the claims.

For the reasons discussed above, as well as other reasons, dependent claim 2-12 are believed to be clearly patentable over Smith et al. If the Examiner elects to maintain these rejections, Applicants respectfully request that the Examiner specifically point out where in Smith et al. the method steps of claims 2-12 are identically disclosed, with the elements arranged as required by the claims, pursuant to MPEP § 2131.

With respect to independent claim 13, and for reasons similar to those discussed above, Smith et al. do not appear to teach a method including the steps of providing a scheduling routine within the controller, the scheduling routine including a separate schedule review mode and editing mode. In addition, Smith et al. do not appear to disclose or suggest many of the other steps recited in claim 13.

Independent claim 40 recites, in part, a computer readable medium having stored thereon a computer program that when executed by a controller performs the steps of initiating a schedule review mode within a controller having scheduling capabilities, wherein the schedule review mode does not permit a user to modify at least one schedule parameter without entering an editing mode. Smith et al. do not appear to teach such a computer readable medium. As stated above with respect to claim 1, Smith et al. do not appear to teach a method in which read-only access to at least one schedule parameter is permitted. Similarly, Smith et al. do not appear to teach a computer readable medium that performs the step of initiating a schedule review mode that does not permit user modification of schedule parameters without first entering an editing mode. As stated above with respect to independent claim 1, Smith et al. do not appear to specifically teach separate review and editing modes.

Independent claims 1 and 13 are method claims and recite specific method steps. Applicants submit that in order to anticipate the claims, a reference must teach the recited combination of specific method steps. For at least the reasons set forth above, Smith et al. do not appear to teach or suggest the recited specific method steps.

Regarding claims 25 and 39, the Examiner asserts that Smith et al. disclose a programmable controller including a user interface and a processor configured to run a scheduling routine including a separate schedule review mode and editing mode, referring to column 18, lines 10-27 for such teaching. This passage recites:

> Another example concerns sprinkler scheduling. Though moisture sensors and weather stations can be interfaced to the sprinkler program through IHML scripts, the event scheduler feature of the present invention can adjust the sprinkler zones' duration and frequency if those devices are not present in the system. The average rainfall by month can be used to calculate 12 different sprinkler schedules. In some locations, a seasonal schedule may be sufficient. Use of the event scheduler in conjunction with external sensors allows the sprinkler system to become truly automatic, lending artificial intelligence properties to an otherwise limited subsystem.
>
> The event scheduler can even be configured for specific days or dates. For example, a "Good Morning Kids" script can execute on weekdays throughout the
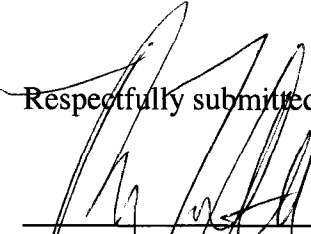
school year, but not during scheduled vacations. At midnight on December 31st of every year, a voice announcement can bring in the new year.

The above passage of Smith et al. appears to teach the system being capable of being connected to a sprinkler system and using external sensors and input rainfall information to create a truly automatic sprinkler system. Smith et al. do not, however, appear to teach a programmable controller including a processor configured to run a scheduling routine including a separate schedule review mode and editing mode, as is recited in these claims. For these and other reasons, Smith et al. do not appear to teach each and every element of independent claims 1, 13, 25, 39, or 40, or the claims dependent thereon. Additionally, there is no motivation for one of ordinary skill in the art to modify the teachings of Smith et al. to achieve the claimed invention. Withdrawal of the rejection is respectfully requested.

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims 1-40 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully submitted,

Dated: May 12, 2006

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